

**SELECT COMMITTEE ON
INTELLIGENCE**

UNITED STATES SENATE



Additional Prehearing Questions for

Lieutenant General Timothy D. Haugh

Upon his nomination to be Director of the National Security Agency

Responsibilities of the Director of the National Security Agency

QUESTION 1: The role of Director of the National Security Agency (DIRNSA) has been performed differently depending on what the President has requested from the position. What do you see as your role as DIRNSA, if confirmed to this position? How do you expect it to be different than that of your predecessor?

QUESTION 2: The congressional intelligence committees have supported the Intelligence Community's (IC's) evaluation of dual-hatting the Commander of U.S. Cyber Command and DIRNSA positions.

- a. Which DIRNSA roles and responsibilities would be affected by a cessation of the dual-hat regime?
- b. Which roles and responsibilities as the Commander of U.S. Cyber Command would be affected by a cessation of the dual-hat regime?
- c. What in your view are the positive and negative aspects of a dual-hat regime? Please provide details in supporting your position, and include assessments of structure, budgetary procedures, and oversight of NSA, as well as U.S. Cyber Command.

QUESTION 3: What is your view on the dual-track supervision of NSA by the Secretary of Defense and the Director of National Intelligence?

QUESTION 4: How will you balance the four discrete responsibilities you will have to execute as the Director of NSA, the Chief of the Central Security Service, the Commander of U.S. Cyber Command, and the National Manager for National Security Systems?

QUESTION 5: Please describe which of those roles do you believe is most important, and why. Please provide supporting details in your answer.

QUESTION 6: Please describe the specific experiences you have had in your professional career that will enable you to serve effectively as the Director of the NSA. In addition, what lessons have you drawn from the experiences of current and former DIRNSAs?

QUESTION 7: If confirmed as DIRNSA, what steps will you take to improve the integration, coordination, and collaboration between NSA and the other IC agencies?

QUESTION 8: If confirmed as DIRNSA, how will you ensure that the tasking of NSA resources and personnel to support U.S. Cyber Command do not negatively impact NSA's ability to perform and fulfill core missions?

QUESTION 9: If confirmed as DIRNSA, how will you ensure that U.S. Cyber Command operations and mission do not impact NSA operations and mission?

Keeping the Congressional Intelligence Committees Fully and Currently Informed

QUESTION 10: Please describe your view of the NSA's obligation to respond to requests for information from Members of Congress.

QUESTION 11: Does NSA have a responsibility to correct the record, if it identifies occasions where inaccurate information has been provided to the congressional intelligence committees?

QUESTION 12: Please describe your view on when it is appropriate to withhold pertinent and timely information from the congressional intelligence committees.

Functions and Responsibilities of the National Security Agency

QUESTION 13: What do you consider to be the most important missions of the NSA?

QUESTION 14: How well do you think the NSA has performed recently in each of these missions?

QUESTION 15: If confirmed, what missions do you expect to direct the NSA to prioritize over others?

QUESTION 16: Every previous dual-hatted Director of NSA has experienced at least one major security incident under their leadership. What steps will you take to ensure this trend does not continue?

National Security Threats and Challenges Facing the Intelligence Community

QUESTION 17: What, in your view, are the current principal threats to national security most relevant to the NSA?

QUESTION 18: What role do you see for the NSA, in particular, and the IC, as a whole, with respect to the ongoing challenge of ubiquitous encryption as it pertains to foreign intelligence?

QUESTION 19: Do you believe that the IC needs additional statutory authorities to address the proliferation of ubiquitous commercial encryption?

Foreign Intelligence Surveillance Act

QUESTION 20: Title VII of the Foreign Intelligence Surveillance Act (FISA) will sunset on December 31, 2023, including what is commonly known as Section 702. If Section 702 authorities were to end or even be diminished, what would be the impact on national security?

QUESTION 21: Please describe why it necessary for NSA to have the ability to perform U.S. person queries of information acquired pursuant to Section 702 of FISA. What would the implications be in NSA was required to seek a warrant and probable cause prior to performing such queries?

QUESTION 22: Please clarify what is meant by “incidental collection.” Can the IC use this collection to target U.S. persons? If not, what value does incidental collection have in the NSA’s ability to protect our national security from counterterrorism and counterintelligence threats?

QUESTION 23: Please describe the compliance regime that the NSA has in place for its Section 702 collection authorities.

QUESTION 24: What compliance regime does U.S. Cyber Command have in place to ensure proper access to Section 702 collection?

Cybersecurity

QUESTION 25: What role do you see for the NSA in defensive cybersecurity policies or actions? What role do you see for NSA in supporting any U.S. Government offensive cybersecurity policies or actions?

QUESTION 26: What should be the NSA's role in helping to protect U.S. commercial computer networks that are not part of the defense industrial base?

QUESTION 27: What cyber threat information (classified or unclassified) should be shared with U.S. private sector entities, particularly critical infrastructure entities, to enable them to protect their networks from possible cyberattacks?

QUESTION 28: Should NSA publish finished cybersecurity intelligence products? Why or why not?

NSA Capabilities

QUESTION 29: What are your views concerning the quality of intelligence collection conducted by the NSA, and what is your assessment of the steps that have been taken to date to improve that collection?

QUESTION 30: If confirmed, what additional steps would you pursue to improve intelligence collection and what benchmarks will you use to judge the success of future collection efforts by the NSA?

QUESTION 31: What is your assessment of the quality of current NSA intelligence analysis?

QUESTION 32: If confirmed, what additional steps would you take to improve intelligence analysis, and what benchmarks will you use to judge the success of future NSA analytic efforts?

QUESTION 33: What is your view of strategic analysis and its place within the NSA? Please include your views about what constitutes such analysis, what steps should be taken to ensure adequate strategic coverage of important issues, and what finished intelligence products NSA should produce.

QUESTION 34: What are your views on the role of foundational research to NSA's mission?

NSA Personnel

QUESTION 35: What is your view of the principles that should guide the NSA in its use of contractors, rather than full-time government employees, to fulfill intelligence-related functions?

- a. Are there functions within the NSA that are particularly suited for the use of contractors?
- b. Are there some functions that should never be conducted by contractors, or for which use of contractors should be discouraged or require specific DIRNSA approvals?
- c. What consideration should the NSA give to the cost of contractors versus government employees?
- d. What does the NSA need in order to achieve an appropriate balance between government civilians, military personnel, and contractors?

QUESTION 36: What is your assessment of the personnel accountability system in place at the NSA?

QUESTION 37: What actions, if any, should be considered to ensure that the IC has a fair process for handling personnel accountability, including serious misconduct allegations?

Security Clearance Reform

QUESTION 38: What are your views on the security clearance process?

QUESTION 39: If confirmed, what changes, if any, would you seek to make to this process?

QUESTION 40: Should civilians, military, and contractor personnel be held to the same security clearance and adjudication standards for access to NSA facilities, computer systems, and information?

Management of the National Security Agency

QUESTION 41: In what ways can DIRNSA achieve sufficient independence and distance from political considerations to serve the nation with objective and dispassionate intelligence collection and analysis?

- a. If confirmed, how will you ensure this independence is maintained?
- b. What is your view of DIRNSA's responsibility to inform senior Administration policy officials or their spokespersons when the available intelligence either does not support or contradicts public statements they may have made?

QUESTION 42: How would you resolve a situation in which the assessments of your analysts are at odds with the policy aspirations of the administration?

QUESTION 43: What are your views of the current NSA culture and workforce?

- a. What are your goals for NSA's culture and workforce?
- b. If confirmed, what are the steps you plan to take to achieve these goals?
- c. How will you strengthen the relationship between the civilian and military members of the NSA workforce?

Transparency

QUESTION 44: Do you believe that intelligence agencies need some level of transparency to ensure long-term public support for their activities?

QUESTION 45: If confirmed, what would be your approach to transparency?

Disclosures of Classified Information

QUESTION 46: In your view, does the NSA take appropriate precautions to protect classified information and prevent, deter, investigate, and punish unauthorized disclosures of classified information?

QUESTION 47: If confirmed, how will you ensure that appropriate and necessary precautions to protect classified information are maintained and improved, if necessary?

QUESTION 48: If confirmed, how would you manage the following issues:

- a. The vulnerability of NSA information systems to harm or espionage by trusted insiders;
- b. The vulnerability of NSA information systems to outside penetration;
- c. The readiness of NSA to maintain continuity of operations;

- d. The ability of NSA to adopt advanced information technology efficiently and effectively; and
- e. The NSA's recruitment and retention of skilled STEM and information technology professionals, including contractor personnel.

QUESTION 49: How do you think that individuals who mishandle, intentionally or unintentionally, classified information should be dealt with?